

Article - Health - General

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§19-4B-03.

(a) (1) A nursing referral service agency may receive a fee or other compensation for providing its services.

(2) A contractual arrangement may provide that a nursing referral service agency is not responsible for paying any part of the compensation to the licensed health care professionals or care providers that the nursing referral service agency screens or refers to clients.

(3) A nursing referral service agency may provide administrative assistance.

(b) A nursing referral service agency shall:

(1) Obtain a license from the Department prior to operating as a nursing referral service agency;

(2) Develop and implement a procedure to screen licensed health professionals and care providers that includes the following:

(i) In accordance with subsection (c) of this section:

1. A State criminal history records check; or
2. A private agency background check;

(ii) Verification of current licensure or certification under the Health Occupations Article;

(iii) A basic health screening, including a tuberculosis screening;

(iv) Verification of references;

(v) Verification of employment history;

(vi) Completion of I-9 forms; and

(vii) An in-person interview of a licensed health professional and care provider before any referral of the individual is made to a client;

(3) Institute an internal client complaint investigation process that includes:

(i) Notice to the client or client's representative of the complaint process; and

(ii) Protocols to investigate complaints;

(4) Provide notice to clients of the Department's complaint hotline number for complaints about the services provided by an individual referred by the nursing referral service agency; and

(5) Allow clients to accept or reject, at their discretion, any licensed health professional or care provider referred by the nursing referral service agency.

(c) (1) For each licensed health professional and care provider, a nursing referral service agency shall:

(i) Apply to the Central Repository for a State criminal history records check; or

(ii) Request a private agency to conduct a background check.

(2) (i) As part of the application for a criminal history records check, the nursing referral service agency shall submit to the Central Repository:

1. Two complete sets of legible fingerprints of the licensed health professional or care provider taken on forms approved by the Director of the Central Repository; and

2. The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(ii) In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the licensed health professional or care provider and the nursing referral service agency a printed statement listing the criminal convictions of the licensed health professional or care provider.

(iii) Information obtained from the Central Repository under this subsection:

1. Is confidential and may not be disseminated; and
2. May be used only for the screening purpose authorized by this subsection.

(iv) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

(3) If a nursing referral service agency requests a private agency to conduct a background check:

(i) The private agency shall:

1. Conduct a background check in each state in which the nursing referral service agency knows or has reason to know the licensed health professional or care provider worked or resided during the past 7 years; and

2. Issue a statement of its findings to:

- A. On request, the licensed health professional or care provider; and

- B. The nursing referral service agency; and

(ii) The licensed health professional or care provider shall have an opportunity to contest the findings.

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